



# Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Twelfth Meeting Day

Thursday Morning

January 30, 2003

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Reverend Loyal Bishop, Trinity Lutheran Church, Terre Haute, the guest of Representative Clyde Kersey.

The Pledge of Allegiance to the Flag was led by Representative Robert J. Bischoff.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown ☐	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond ☐
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer ☐
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 30: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 3, 2003, at 1:30 p.m.

KUZMAN

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 62, 63, 65, 85, 167, 169, 191, and 343 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Joint Resolutions 5 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## RESOLUTIONS ON FIRST READING

### House Resolution 5

Representative Turner introduced House Resolution 5:

A HOUSE RESOLUTION to honor Steven Fagan for his thirty-four years of dedication and service to the Oak Hill community.

*Whereas, Steve Fagan graduated from Oak Hill High School in 1964;*

*Whereas, Steve Fagan as a student-athlete at Oak Hill lettered in football, basketball and baseball;*

*Whereas, Steve Fagan earned his Bachelor's degree in 1968 from Marion College (Indiana Wesleyan University) and his Master's in 1973 degree from Indiana University;*

*Whereas, Steve Fagan returned to Oak Hill United School Corporation as a teacher from 1968-2000;*

*Whereas, During his years at Oak Hill United School Corporation, he served as an elementary teacher in the fourth, fifth and sixth grades and also taught driver's education;*

*Whereas, Steve Fagan served as the CTA president for one term and acted as the chief negotiator on several occasions;*

*Whereas, Steve Fagan held a variety of coaching positions, and served as the head athletic trainer;*

*Whereas, Steve Fagan served as athletic director from 2000 to 2002;*

*Whereas, It would be difficult to find anyone who has touched more lives, attended more games, or spent more time supporting the Oak Hill Golden Eagles;*

*Whereas, Steve Fagan has meant as much to Oak Hill Athletics as any other single individual;*

*Whereas, Steve Fagan officially retired in May of 2002, but his support for, involvement in, and influence on the Oak Hill Community will continue for many years to come: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. The House of Representatives of the Indiana General Assembly honors, Steve Fagan for his thirty-four years of service to the Oak Hill community and his positive influence on thousands of young people in the classroom, training room and on the playing field.

SECTION 2. The Clerk of the House of Representatives is directed to transmit a copy of this resolution to Mr. Steve Fagan and Mr. Rob Martin, Athletic Director of Oak Hill High School.

The resolution was read a first time and adopted by voice vote.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1088, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, strike "total assessed valuation" and insert "**true tax value**".

Page 2, line 6, after "transportation," insert "**school bus replacement**".

Page 2, between lines 16 and 17, begin a new paragraph and insert:

**"(f) Bonds issued under this section are not subject to the limitations contained in IC 36-1-15."**

(Reference is to HB 1088 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

PORTER, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "An attestation clause" and insert "**A will**".

Page 2, between lines 2 and 3, begin a new line blocked left and insert:

**"An attestation or self-proving clause is not required under this subsection for a valid will."**

Page 3, between lines 17 and 18, begin a new paragraph and insert:

**"(c) A will that is executed substantially in compliance with subsection (b) will not be rendered invalid by the existence of:**

- (1) an attestation or self-proving clause or other language; or**
  - (2) additional signatures;**
- not required by subsection (b).**

**(d) A will executed in accordance with subsection (b) is self-proved if the witness signatures follow an attestation or self-proving clause or other declaration indicating in substance the facts set forth in section 3.1(c) or 3.1(d) of this chapter.**

**(e) This section shall be construed in favor of effectuating the testator's intent to make a valid will."**

Page 3, line 28, delete "an attestation clause signed by" and insert "**no other signatures of**".

Page 3, line 29, delete "under section 3(b) of this chapter is not" and insert "**are**".

Page 3, line 29, delete "." and insert "**for the will to be validly executed and self-proved.**".

Page 3, line 36, delete "verifications" and insert "**statements**".

Page 3, line 38, after "witnesses" insert "**(which may be made under the penalties for perjury)**".

Page 3, line 40, delete "UNDER PENALTIES FOR PERJURY, we" and insert "**We**".

Page 4, line 25, after "indicates" insert "**in substance**".

Page 5, between lines 1 and 2, begin a new paragraph and insert:

**"(e) This section shall be construed in favor of effectuating the testator's intent to make a valid will."**

Page 8, delete lines 37 through 42.

Delete pages 9 through 10.

(Reference is to HB 1116 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

L. LAWSON, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1164, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 5-22-3-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) This section applies to a solicitation for a contract that would require the contractor to perform any of a governmental body's functions that are performed at the time of the solicitation by the governmental body's employees.**

**(b) A representative of any group of the governmental body's employees may submit in response to the solicitation an offer for the group of employees to perform the functions that are the subject of the solicitation.**

**(c) The governmental body shall award the contract to the group of employees if this article would otherwise require the contract to be awarded to a person that submitted the group's offer."**

Page 1, line 3, delete "This section applies to a solicitation for a" and insert "**This section applies to a solicitation for a contract that would require the contractor to perform any of a governmental body's functions that:**

- (1) are performed at the time of the solicitation by the governmental body's employees; and**
- (2) would result in the layoff or dismissal of any of the governmental body's employees.**

**This section does not apply to a purchase under IC 5-22-13."**

Page 1, delete lines 4 through 7.

Page 1, line 13, delete "and other administrative" and insert "**administrative, equipment, supply, and any other**".

Page 2, line 7, delete "offeror" and insert "**governmental body**".

Page 2, line 26, delete "This section applies to a solicitation for a" and insert "**This section applies to a solicitation for a contract that would require the contractor to perform any of a governmental body's functions that:**

- (1) are performed at the time of the solicitation by the governmental body's employees; and**
- (2) would result in the layoff or dismissal of any of the governmental body's employees.**

**This section does not apply to a purchase under IC 5-22-13."**

Page 2, delete lines 27 through 30.

Page 3, line 2, delete "This section applies to a contract that would" and insert "**This section applies to a contract that would require the contractor to perform any of a governmental body's functions that:**

- (1) are performed at the time of the solicitation for the contract by the governmental body's employees; and**
- (2) would result in the layoff or dismissal of any of the governmental body's employees.**

**This section does not apply to a purchase under IC 5-22-13."**

Page 3, delete lines 3 through 6.

Renumber all SECTIONS consecutively.

(Reference is to HB 1164 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

LIGGETT, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1200, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 3.

LIGGETT, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1218, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, line 9, after "by" insert "**at least five (5) years of**".

Page 16, line 9, reset in roman "and maintain".

Page 16, line 9, delete "obtained".

Page 16, line 11, delete "and:" and insert "; and".

Page 16, delete lines 12 through 16.

(Reference is to HB 1218 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

STEVENSON, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1237, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

L. LAWSON, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1345, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, delete lines 18 through 24.

Page 4, line 25, delete "(h)" and insert "(g)".

Page 5, delete lines 37 through 42.

Page 6, delete line 1.

Page 6, line 2, delete "(h)" and insert "(g)".

Page 6, line 30, delete "or".

Page 6, between lines 30 and 31, begin a new line block indented and insert:

**"(2) evaluation of the qualifications, competence, or professional conduct of a professional health care provider; or"**

Page 6, line 31, delete "(2)" and insert "(3)".

(Reference is to HB 1345 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

C. BROWN, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1358, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 16, delete "volunteer;" and insert "**volunteer:**"

**(i) while the volunteer is performing the duties described in IC 35-41-1-4.7; or**

**(ii) because the person is a community policing volunteer;"**

Page 4, delete lines 29 through 42.

Delete pages 5 through 7.

Page 8, delete lines 1 through 40.

Renumber all SECTIONS consecutively.

(Reference is to HB 1358 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

L. LAWSON, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 12, after "committee" insert "**designated or**".

Page 8, line 12, delete "by" and insert "**under**".

Page 8, line 24, after "5." insert "**(a)**".

Page 8, line 25, after "shall" insert "**either:**"

**(1) designate a committee of the faculty organization to act as the trustee election committee under this chapter; or**

**(2) establish a separate trustee election committee under subsection (b).**

**(b) If subsection (a)(2) applies, the faculty organization shall".**

Page 9, line 1, after "6." insert "**(a) This section applies only to actions of a committee taken under this chapter.**"

**(b)".**

Page 9, line 4, after "7." insert "**(a) This section applies only to actions of a committee taken under this chapter.**"

**(b)".**

Page 9, line 6, after "8." insert "**(a) This section applies only to actions of a committee taken under this chapter.**"

**(b)".**

(Reference is to HB 1359 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

PORTER, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1368, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "the following:".

Page 1, line 9, delete "(A) Except as provided in clause (B).".

Page 1, run in lines 8 through 9.

Page 1, line 14, after "death." insert "**However, for purposes of IC 29-1-2-1 and IC 29-1-3-1, the term does not include taxes imposed by reason of the person's death."**

Page 1, delete lines 15 through 17.

Page 2, delete line 1.

Page 4, line 4, delete "appraised" and insert "**fair market**".

Page 4, line 4, after "value" insert "**as of the date of death**".

Page 5, line 23, delete "appraised" and insert "**fair market**".

Page 5, line 23, after "value" insert "**as of the date of death**".

(Reference is to HB 1368 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

L. LAWSON, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1395, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1399, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 11, delete "A community mental retardation and other developmental" and insert "**An entity that:**

**(A) is approved by the bureau of developmental disabilities services as a provider of services, subject to rules adopted under IC 12-11-2.1; and**

**(B) serves only individuals with developmental disabilities who are in a placement authorized under IC 12-11-2.1-4."**

Page 1, delete lines 12 through 14.

(Reference is to HB 1399 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1424, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 5.

PORTER, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1434, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, strike line 31.

Page 2, line 32, strike "(4)" and insert "(3)".

Page 2, line 36, delete "(5)" and insert "(4)".

Page 2, line 37, delete "(6)" and insert "(5)".

Page 2, line 40, delete "(7)" and insert "(6)".

Page 2, line 41, delete "(8)" and insert "(7)".

Page 2, line 42, delete "(9)" and insert "(8)".

Page 3, line 3, delete "(10)" and insert "(9)".

Page 6, line 14, delete "state police" and insert "**criminal justice institute.**"

Page 6, delete line 15.

Page 6, line 16, delete "state police superintendent" and insert "**criminal justice institute, upon the recommendation of the governor's council on impaired and dangerous driving.**"

Page 6, line 24, delete "superintendent" and insert "**criminal justice institute.**"

Page 6, line 26, delete "state" and insert "**criminal justice institute.**"

Page 6, line 27, delete "police superintendent".

(Reference is to HB 1434 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

L. LAWSON, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1438, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 14, reset in roman "for".

Page 3, line 14, after "issuance" insert "**one (1) year**".

Page 3, line 15, reset in roman "for an additional".

Page 3, line 15, delete "until an" and insert "**year until the**".

Page 3, line 17, delete "The expiration date must occur during an".  
Page 3, delete line 18.

Page 4, between lines 5 and 6, begin a new paragraph and insert:  
"SECTION 5. IC 25-26-13-25, AS AMENDED BY P.L.1-2002, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) All original prescriptions, whether in written or electronic format, shall be numbered and maintained in numerical and chronological order, or in a manner approved by the board and accessible for at least two (2) years in the pharmacy. A prescription transmitted from a practitioner by means of communication other than writing must immediately be reduced to writing or recorded in an electronic format by the pharmacist. The files shall be open for inspection to any member of the board or its duly authorized agent or representative.

(b) Except as provided in subsection (c) before the expiration of subsection (c) on June 30, 2003, a prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may not be refilled without written or oral authorization of a licensed practitioner.

(c) A prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may be refilled by a pharmacist one (1) time without the written or oral authorization of a licensed practitioner if all of the following conditions are met:

(1) The pharmacist has made every reasonable effort to contact the original prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(2) The pharmacist believes that, under the circumstances, failure to provide a refill would be seriously detrimental to the patient's health.

(3) The original prescription authorized a refill but a refill would otherwise be invalid for either of the following reasons:

(A) All of the authorized refills have been dispensed.

(B) The prescription has expired under subsection (f).

(4) The prescription for which the patient requests the refill was:

(A) originally filled at the pharmacy where the request for a refill is received and the prescription has not been transferred for refills to another pharmacy at any time; or

(B) filled at or transferred to another location of the same pharmacy or its affiliate owned by the same parent corporation if the pharmacy filling the prescription has full access to prescription and patient profile information that is simultaneously and continuously updated on the parent corporation's information system.

(5) The drug is prescribed for continuous and uninterrupted use and the pharmacist determines that the drug is being taken properly in accordance with IC 25-26-16.

(6) The pharmacist shall document the following information regarding the refill:

(A) The information required for any refill dispensed under subsection (d).

(B) The dates and times that the pharmacist attempted to contact the prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(C) The fact that the pharmacist dispensed the refill without the authorization of a licensed practitioner.

(7) The pharmacist notifies the original prescribing practitioner of the refill and the reason for the refill by the practitioner's next business day after the refill has been made by the pharmacist.

(8) Any pharmacist initiated refill under this subsection may not be for more than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day. However, a pharmacist may dispense a drug in an amount greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day if:

(A) the drug is packaged in a form that requires the pharmacist to dispense the drug in a quantity greater than the

minimum amount necessary to supply the patient through the prescribing practitioner's next business day; or  
 (B) the pharmacist documents in the patient's record the amount of the drug dispensed and a compelling reason for dispensing the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day.

(9) Not more than one (1) pharmacist initiated refill is dispensed under this subsection for a single prescription.

(10) The drug prescribed is not a controlled substance.

A pharmacist may not refill a prescription under this subsection if the practitioner has designated on the prescription form the words "No Emergency Refill". ~~This subsection expires June 30, 2003.~~

(d) When refilling a prescription, the refill record shall include:

(1) the date of the refill;

(2) the quantity dispensed if other than the original quantity; and

(3) the dispenser's identity on:

(A) the original prescription form; or

(B) another board approved, uniformly maintained, readily retrievable record.

(e) The original prescription form or the other board approved record described in subsection (d) must indicate by the number of the original prescription the following information:

(1) The name and dosage form of the drug.

(2) The date of each refill.

(3) The quantity dispensed.

(4) The identity of the pharmacist who dispensed the refill.

(5) The total number of refills for that prescription.

(f) A prescription is valid for not more than one (1) year after the original date of issue.

(g) A pharmacist may not knowingly dispense a prescription after the demise of the practitioner, unless in the pharmacist's professional judgment it is in the best interest of the patient's health.

(h) A pharmacist may not knowingly dispense a prescription after the demise of the patient.

(i) A pharmacist or a pharmacy shall not resell, reuse, or redistribute a medication that is returned to the pharmacy after being dispensed unless the medication:

(1) was dispensed to a patient residing in an institutional facility (as defined in 856 IAC 1-28-1(a));

(2) was properly stored and securely maintained according to sound pharmacy practices;

(3) is returned unopened and:

(A) was dispensed in the manufacturer's original:

(i) bulk, multiple dose container with an unbroken tamper resistant seal; or

(ii) unit dose package; or

(B) was packaged by the dispensing pharmacy in a:

(i) multiple dose blister container; or

(ii) unit dose package;

(4) was dispensed by the same pharmacy as the pharmacy accepting the return;

(5) is not expired; and

(6) is not a controlled substance (as defined in IC 35-48-1-9), unless the pharmacy holds a Type II permit (as described in IC 25-26-13-17).

(j) A pharmacist may use the pharmacist's professional judgment as to whether to accept medication for return under subsection ~~(h)~~:

**(I).**

(k) A pharmacist who violates subsection (c) commits a Class A infraction."

Page 7, after line 13, begin a new paragraph and insert:

"SECTION 11. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1438 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

C. BROWN, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1469, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, after "(6)" insert "**Combined heat and power.**

**(7) Heat recovery chillers.**

**(8) Condensing boilers and low temperature heat.**

**(9) Air to air energy recovery devices.**

**(10)".**

Page 2, line 5, delete "require" and insert "**consider**".

Page 2, line 30, after "(6)" insert "**Combined heat and power.**

**(7) Heat recovery chillers.**

**(8) Condensing boilers and low temperature heat.**

**(9) Air to air energy recovery devices.**

**(10)".**

Page 2, line 37, delete "require" and insert "**consider**".

Page 3, line 21, after "(6)" insert "**Combined heat and power.**

**(7) Heat recovery chillers.**

**(8) Condensing boilers and low temperature heat.**

**(9) Air to air energy recovery devices.**

**(10)".**

Page 3, line 28, delete "require" and insert "**consider**".

(Reference is to HB 1469 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

HASLER, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1561, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 14, nays 0.

SUMMERS, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1568, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 6.

LIGGETT, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1584, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1596, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

**HOUSE BILLS ON SECOND READING****HOUSE MOTION**

Mr. Speaker: I move that Engrossed House Bill 1110 be returned to second reading for the sole purpose of amendment.

CHENEY

Motion prevailed.

**House Bill 1057**

Representative Goodin called down House Bill 1057 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1131**

Representative C. Brown called down House Bill 1131 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1135**

Representative C. Brown called down House Bill 1135 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1213**

Representative Fry called down House Bill 1213 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1216**

Representative Fry called down House Bill 1216 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1252**

Representative V. Smith called down House Bill 1252 for second reading. The bill was read a second time by title.

**HOUSE MOTION**  
(Amendment 1252-1)

Mr. Speaker: I move that House Bill 1252 be amended to read as follows:

Page 3, between lines 1 and 2, begin a new paragraph and insert: "SECTION 3. IC 35-38-2.5-5.5, AS ADDED BY P.L.137-2001, SECTION 6, IS AMENDED TO READ AS FOLLOWS: Sec. 5.5. (a) A court may not place an offender who resides in a different county on home detention unless:

- (1) the offender is eligible for home detention in the county in which the person resides; and
- (2) supervision of the offender will be conducted by the probation department or community corrections program located in the county in which the offender resides.

**However, if the offender resides in a contiguous county to the sentencing court, the sentencing court may place that offender on home detention under the supervision of the probation department or community corrections program located in the county of the sentencing court.**

(b) If an offender is:

- (1) currently serving home detention in a county that operates a home detention program; and
  - (2) being supervised by a probation department or community corrections program located in a different county;
- the court shall order that supervision of the offender be transferred to the probation department or community corrections program located in the county where the offender resides.

(c) All home detention fees described in section 8 of this chapter shall be collected by the probation department or community corrections program that supervises the offender."

Renumber all SECTIONS consecutively.  
(Reference is to HB 1252 as printed January 28, 2003.)

THOMPSON

After discussion Representative Thompson withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

**House Bill 1269**

Representative Orentlicher called down House Bill 1269 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1327**

Representative Goodin called down House Bill 1327 for second reading. The bill was read a second time by title.

**HOUSE MOTION**  
(Amendment 1327-1)

Mr. Speaker: I move that House Bill 1327 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-18-17-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) A person qualifying under section 1 of this chapter may not be charged the following:

- (1) A fee for parking in a metered space.
- (2) A penalty for parking in a metered space for longer than the time permitted.

(b) This section does not authorize parking of a motor vehicle in places where parking is not allowed at any time when the prohibition is posted and authorized by ordinances in cities and towns or by order of the Indiana department of transportation.

(c) A person other than the owner of the motor vehicle displaying a former prisoner of war license plate authorized by this chapter is not entitled to the parking privileges authorized by this section.

SECTION 2. IC 9-18-19-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.5. (a) A person qualifying under section 1 of this chapter may not be charged the following:

- (1) A fee for parking in a metered space.
- (2) A penalty for parking in a metered space for longer than the time permitted.

(b) This section does not authorize parking of a motor vehicle in places where parking is not allowed at any time when the prohibition is posted and authorized by ordinances in cities and towns or by order of the Indiana department of transportation.

(c) A person other than the owner of the motor vehicle displaying a purple heart license plate authorized by this chapter is not entitled to the parking privileges authorized by this section."

Renumber all SECTIONS consecutively.

(Reference is to HB 1327 as printed January 29, 2003.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

**House Bill 1729**

Representative Aguilera called down House Bill 1729 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1730**

Representative Aguilera called down House Bill 1730 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The House recessed until the fall of the gavel.

**RECESS**

The House reconvened at 11:55 a.m. with the Speaker in the Chair.

Representative Pond was present; Representative Pflum was excused for the rest of the day.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1064

Representative Pelath called down Engrossed House Bill 1064 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 31: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Harrison and Bowser.

### Engrossed House Bill 1074

Representative Liggett called down Engrossed House Bill 1074 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 32: yeas 53, nays 40. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks and Craycraft.

### Engrossed House Bill 1083

Representative Weinzapfel called down Engrossed House Bill 1083 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 33: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Ford.

### Engrossed House Bill 1183

Representative Kuzman called down Engrossed House Bill 1183 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 34: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be named.

### Engrossed House Bill 1267

Representative Orentlicher called down Engrossed House Bill 1267 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 35: yeas 88, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be named.

### Engrossed House Bill 1534

Representative Goodin called down Engrossed House Bill 1534 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 36: yeas 51, nays 44. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Sipes.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1022, 1088, 1200, 1286, 1361, 1434, 1489, 1512, and 1596 had been referred to the Committee on Ways and Means.

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1026, Roll Call 10, on January 23, 2003. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, the machine did not register my vote; I intended to vote yea."

KLINKER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 10 to 88 yeas, 3 nays.*]

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1074, Roll Call 32, on January 30, 2003. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

DUNCAN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 32 to 53 yeas, 40 nays.*]

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1089, Roll Call 24, on January 28, 2003. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

THOMAS

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 24 to 72 yeas, 18 nays.*]

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1410, Roll Call 28, on January 28, 2003. In support of this petition, I submit the following reason:

"I was present but unable to reach my seat in time to vote; I intended to vote yea."

STINE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 28 to 87 yeas, 0 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1044.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative D. Young be added as coauthor of House Bill 1064.

PELATH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1088.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Mangus be added as coauthor of House Bill 1148.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1169.

HERRELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Scholer be added as coauthor of House Bill 1193.

CRAWFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1203.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wolkins be added as coauthor of House Bill 1222.

BOTTORFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pflum be added as coauthor of House Bill 1241.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1325.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be removed as coauthor of House Bill 1409.

AYRES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1437.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1438.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dickinson be added as coauthor of House Bill 1596.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as coauthor of House Bill 1598.

RESKE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Friend be removed as author of House Bill 1622, Representative Bischoff be substituted as author, and Representative Friend be added as coauthor.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Friend be removed as author of House Bill 1623, Representative Bischoff be substituted as author, and Representative Friend be added as coauthor.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frenz be added as coauthor of House Bill 1649.

HOFFMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Austin be added as coauthors of House Bill 1725.

LEONARD

Motion prevailed.



HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1741.

SCHOLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives GiaQuinta, Kuzman, and Saunders be added as coauthors of House Bill 1769.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Torr be removed as author of House Bill 1822, Representative Reske be substituted as author, and Representative Torr be added as coauthor.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Avery be added as coauthor of House Bill 1850.

BECKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bardon be added as coauthor of House Bill 1882.

PIERCE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be added as coauthor of House Joint Resolution 6.

KRUSE

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Borrer, the House adjourned at 12:40 p.m., this thirtieth day of January, 2003, until Monday, February 3, 2003, at 1:30 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives